(1) The 25th day of the second month following the month for which you are reporting; or
(2) The 15th day of the second month following the month you for which you are reporting, if you are a new reporter and not yet converted to electronic reporting for Forms MMS–3160 and MMS–4054.
(d) Your report must show 100 percent of the gas.
(e) If your plant has not processed gas that originated from a Federal onshore, OCS, or Indian lease, or federally-approved agreement before the point of final royalty determination for 6 months or more, then:
(1) You must notify MMS in writing; and
(2) You are not required to file a Form MMS–4056 until your plant resumes processing such gas.
10. Amend §216.56 to revise paragraph (b) and add paragraph (c) to read as follows:

§216.56 Production allocation schedule report.

(b) You must submit a Production Allocation Schedule Report, Form MMS–4058, for each calendar month beginning with the month in which you first handle production covered by this section.

(c) MMS must receive your Form MMS–4058 on or before the following dates:
(1) The 25th day of the second month following the month for which you are reporting; or
(2) The 15th day of the second month following the month for which you are reporting, if you are a new reporter and not yet converted to electronic reporting for Form MMS–4054.
11. Proposed Amendments

By letter dated March 20, 1998, (administrative record No. UT–1103) Utah submitted a proposed amendment (SPATS No. UT–037–FOR, administrative record No. 1105) to its program pursuant to SMCRA (30 U.S.C. 1202 et seq.). Utah submitted the proposed amendment in response to a June 5, 1996, letter (administrative record No. UT–1083) that OSM sent to Utah in accordance with 30 CFR 732.17(c), and at its own initiative.

The proposed amendment consists of revisions to and additions of rules pertaining to: adding definitions for “material damage”, “non-commercial building”, “occupied residential dwelling and structures related thereto”, “replacement of water supply”, and “state appropriated water supply” at R645–100–200; adding requirements at R645–301–525.100 through 525.130 for pre-subsidence surveys; removing existing requirements for subsidence control plans at R645–301–525 through 525.170; redesignating rules at R645–301–525.200 through 525.240 pertaining to protected areas; removing existing requirements for subsidence control at R645–301–525.200 through 525.232; adding requirements at R645–301–525.300 through 525.490 for subsidence control and subsidence control plans; adding requirements for subsidence damage repair at R645–301–525.500 through 525.530; adding a rebuttable presumption of causation by subsidence at R645–301–525.540 through 525.545; adding provisions at R645–301–525.550 for adjusting bond amounts for subsidence damage; redesignating rules at R645–301–525.600 and 525.700 requiring compliance with approved subsidence control plans and public notice of proposed mining; removing existing requirements for aquifer surveys at R645–301–724.600; adding provision at R645–301–728.350 for finding whether underground coal mining and reclamation activities might contaminate, diminish or interrupt State-appropriated water; and adding a requirement at R645–301–731.530 for replacing State-appropriated water supplies that are contaminated, diminished, or interrupted by underground coal mining activities.

Proposed Definition Changes

Specifically, the State proposes to add five definitions to its rules. Definitions to the State proposes to add in R645–100–200 are: “material damage”; “non-commercial building”; “occupied residential dwelling and structures related thereto”; “replacement of water supply”; and “state appropriated water supply”.
Utah proposes to defined “material damage” for the purposes of R645-301-525 (Subsidence Control Plan) as
(a) any functional impairment of surface lands, features, structures or facilities; (b) any physical change that has a significant adverse impact on the affected land’s capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or (c) any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

“Non-commercial building” as defined in the proposed amendment means
any building other than an occupied residential dwelling that, at the time the subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined at R645-100–200. Any building used only for commercial agricultural industrial, retail or other commercial enterprises is excluded.

Utah’s proposed definition of “occupied residential dwelling and structures related thereto” for the purposes of R634–301 (Coal Mine Permitting Permit Application Requirements) is
any building or other structure that, at the time the subsidence occurs, is used either temporarily, occasionally, seasonally, or permanently for human habitation. This term also includes any building, structure or facility installed on, above or below, or in combination thereof, the land surface if that building, structure or facility is in use to or used in connection with an occupied residential dwelling. Examples of such structures include, but are not limited to, paddocks for livestock, barns, greenhouses and related buildings; utilities and cables; fences and other enclosures; retaining walls; paved or improved roads, walks and driveways; septic sewage treatment facilities; and lot drainage and lawn and garden irrigation systems. Any structure used only for commercial agricultural, industrial, retail or other commercial purposes is excluded.

The term “replacement of water supply” as proposed in Utah’s amendment means
with respect to State-appropriated water supplies contaminated, diminished, or interrupted by coal mining and reclamation operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

(a) Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a onetime payment in an amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner. (b) If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postponing land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

Lastly, Utah’s proposed definition of “state appropriate water supply” means
State-created water rights which are recognized under the provision of the Utah Code.

Proposed Changes for Engineering Information About Subsidence To Be Included in a Permit Application
Utah proposes to revise its rules at R645–301–525 et seq., which are the requirements for engineering information to be included in a permit application. The proposed amendment would add requirements for subsidence control and subsidence control plans and revise existing requirements.

(a) Proposed Requirements for Pre-Subsidence Surveys
The State proposes at R645–301–525 to establish requirements for subsidence control plans. At R645–301–525.100, Utah proposes to add the requirement that each application for underground coal mining and reclamation activities include a pre-sub-sidence survey. Proposed R645–301–525.110 requires a * * * map of the permit and adjacent areas at a scale of 1:12,000, or larger if determined necessary by the Division (of Oil, Gas and Mining, “the Division”), showing the location and type of structures and renewable resource lands that subsidence may materially damage or for which the value or reasonably foreseeable use may be diminished by subsidence, and showing the location and type of State-appropriated water that could be contaminated, diminished, or interrupted by subsidence.

Proposed R645301–525.120 requires [a] narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value or reasonably foreseeable use of such structures or renewable resource lands or could contaminate, diminish, or interrupt State-appropriated water supplies.

Utah proposes at R645–310–525.130 to require the pre-sub-sidence survey to include
[a] survey of the condition of all non-commercial buildings or occupied residential dwellings and structures related thereto, that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence, within the area encompassed by the applicable angle of draw; as well as a survey of the quantity and quality of all State-appropriated water supplies within the permit area and adjacent areas that could be contaminated, diminished, or interrupted by subsidence. If the applicant cannot make this survey because the owner will not allow access to the site, the applicant will notify the owner, in writing, of the effect that denial of access will have as described in R645–301–525. The applicant must pay for an independent engineering assessment or engineering evaluation used to determine the pre-mining condition or value of such non-commercial buildings or occupied residential dwellings and structures related thereto and the quantity and quality of State-appropriated water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner and to the Division.

The State proposes to remove existing provisions for subsidence control plans at R645.525 through 525.170 as a result of the proposed addition of the subsidence plans requirements described in the preceding two paragraphs.

Utah also proposes to add the heading “Protected areas” at R645–301–525.200 and to redesignate the following eight sections R645.525.210 through 525.240. These rules apply to the planning and design of underground coal mining and reclamation activities that will not be conducted under or adjacent to. The State also proposes to remove the existing provisions for subsidence control at R645.525.200 through 525.232.

(b) Proposed Subsidence Control Measures
Utah also proposes to add requirements for subsidence control at R645–301–525.300 and the subject heading “Measures to prevent or mitigate damage” at 525.310. As proposed at R645–301–525.311, [t]he permittee will either adopt measures consistent with known technology that prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands or adopt mining technology that provides for planned subsidence in a predictable and controlled manner.

Proposed R645–301–525.312 requires that,
[i]f a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to non-commercial buildings and
occupied residential dwellings and structures related thereto except that measures required to minimize material damage to such structures are not required if:
525.312.1 The permittee has the written consent of their owners or
525.312.2 Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.
Utah’s proposed R645-301–525.313 provides that
[n]othing in this part prohibits the standard method of room-and-pillar mining.
(c) Proposed Subsidence Control Plan Content Requirements
Utah proposes subsidence control plan contents at R645–301–525.400. This section provides that:
[l]If the survey conducted under R645–301–525.100 shows that no structures, or State-appropriated water supplies, or if the Division agrees with this conclusion, no interruption of such water supplies would exist and that subsidence and subsidence-related damage would not constitute a threat to health or safety, a demonstration that the costs of minimizing damage exceed the anticipated costs of repair;
525.470 For those areas where planned subsidence is projected to be used, a description of methods to be employed to minimize damage from planned subsidence to non-commercial buildings and occupied residential dwellings and structures related thereto; or the written consent of the owner of the structure or facility that minimization measures not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the Division determines that damage, diminution in value or reasonably foreseeable use of such structures or lands, and no contamination, diminution, or interruption of such water supplies would occur as a result of mine subsidence, and if the Division agrees with this conclusion, no further information need be provided under this section. If the survey shows that structures, renewable resource lands, or water supplies exist and that subsidence could cause material damage or diminution in value or reasonably foreseeable use, or contamination, diminution, or interruption of state-appropriated water supplies, or if the Division determines that damage, diminution in value or foreseeable use, or contamination, diminution, or interruption could occur, the application must include a subsidence control plan that contains the following information:
525.410 A description of the method of coal removal, such as longwall mining, room-and-pillar removal or hydraulic mining, including the size, sequence and timing of the development of underground workings;
525.420 A map of the underground workings that describes the location and extent of the areas in which planned subsidence mining methods will be used and that identifies all areas where the measures described in 525.440, 525.450, and 525.470 will be taken to prevent or minimize subsidence and subsidence-related damage; and, when applicable, to correct subsidence-related material damage;
525.430 A description of the physical conditions, such as depth of cover, seam thickness and lithology of overlaying strata, that affect the likelihood or extent of subsidence and subsidence-related damage;
525.440 A description of the monitoring, if any, needed to determine the commencement and duration of damage; and, so that, when appropriate, other measures can be taken to prevent, reduce or correct material damage in accordance with R645–301–525.500; 525.450 Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage, such as, but not limited to:
525.451 Backstowing or backfilling of voids;
525.452 Leaving support pillars of coal;
525.453 Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving coal in place; and
525.454 Taking measures on the surface to prevent or minimize material damage or diminution in value of the surface;
525.460 A description of the anticipated effects of planned subsidence, if any;
525.470 For those areas where planned subsidence is projected to be used, a description of methods to be employed to minimize damage from planned subsidence to non-commercial buildings and occupied residential dwellings and structures related thereto; or the written consent of the owner of the structure or facility that minimization measures not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the Division determines that damage, diminution in value or reasonably foreseeable use of such structures or lands, and no contamination, diminution, or interruption of state-appropriated water supplies, or if the Division agrees with this conclusion, no interruption of such water supplies would exist and that subsidence and subsidence-related damage would not constitute a threat to health or safety, a demonstration that the costs of minimizing damage exceed the anticipated costs of repair;
525.480 A description of the measures to be taken in accordance with R645–301–731.530 and R645–301–525.500 to replace adversely affected State-appropriated water supplies or to mitigate or remedy any subsidence-related material damage to the land and protected structures; and
525.490 Other information specified by the Division as necessary to demonstrate that the operation will be conducted in accordance with R645–301–525.300.
(d) Proposed Requirements for Subsidence Damage Repair
Utah’s proposed amendment at R645–301–525.510 provides that
[t]he permittee shall either correct material damage resulting from subsidence caused to any structures or facilities not protected by paragraph 525.520 by repairing the damage or compensate the owner of the structures or facilities for the full amount of the decrease in value resulting from the subsidence. The damage to any non-commercial building or occupied residential dwelling or structure related thereto occurs as a result of earth movement within an area determined by projecting an angle of draw equal to that used for that particular mine's compliance with R645–301 from the outermost boundary of any underground mine workings to the surface of the land, a rebuttable presumption exists that the permittee caused the damage. This presumption will normally apply to a 30 degree angle of draw from the vertical, however, the Division may determine the applicable angle of draw for a particular mine through the process described in R645–301–525.542.
Proposed section R645–301–525.542 provides that
[a] permittee or permit applicant may request that the presumption apply to an angle of draw different than 30 degrees. To establish a site-specific angle of draw, an applicant must demonstrate and the Division must determine in writing the proposed angle of draw has a more reasonable basis than 30 degrees and is based on a site-specific geotechnical analysis of the potential surface impacts of the mining operation.
Under proposed R645–301–525.543, there is
[n]o presumption where access for pre-subidence survey is denied. If the permittee was denied access to the land or property for the purpose of conducting the pre-subidence survey in accordance with R645–301–525.130 no rebuttable presumption will exist.
Utah proposes under R645–301–525.544 that
[t]he presumption will be rebutted if, for example, the evidence establishes that: The damage predated the mining in question; the damage was proximately caused by some other factor or factors and was not proximately caused by subsidence; or the damage occurred outside the surface area within which subsidence was actually caused by the mining in question.
Proposed R645–301–525.545 provides that
[i]n any determination whether damage to protected structures was caused by
would apply to underground coal mining and reclamation activities. In such cases, Utah proposes that plausible hydrologic consequence determinations include findings on
whether the underground coal mining and reclamation activities conducted after October 24, 1992, may result in contamination, diminution or interruption of State-appropriated water in existence at the time the application is submitted and used for legitimate purposes within the permit and adjacent areas.

Under provisions applicable to State-appropriated water supplies in a permit application's operation plan, Utah proposes that

[the permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected water supply was in existence before the date the Division received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic and geologic information required in R645–301–700 will be used to determine the impact of mining activities upon the water supply.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If OSM finds the amendment adequate, it will become part of the Utah program.

1. Written Comments

Written comments should be specific, pertinent only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. OSM will not necessarily consider comments it receives after the time indicated under DATES or at locations other than the Denver Field Division in the final rulemaking, or include them in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4 p.m., m.d.t. on April 23, 1998. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the Division in the final rulemaking, or include them in the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decision on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submission is consistent with SMCRA and the implementing Federal regulations and whether the other requirements of
30 CFR parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

   No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

   This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

5. Regulatory Flexibility Act

   The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

   This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 944**

   Intergovernmental relations, Surface mining, Underground mining.


   Richard J. Seibel,
   Regional Director, Western Regional Coordinating Center.

   [FR Doc. 98–9173 Filed 4–7–98; 8:45 am]

   **BILLING CODE 4310–05–M**

---

### LIBRARY OF CONGRESS

**Copyright Office**

**37 CFR Part 201**

[Docket No. 98–2]

**Fees**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Proposed rule; correction

<table>
<thead>
<tr>
<th>Special services</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Service charge for deposit account overdraft</td>
<td>$70</td>
</tr>
<tr>
<td>2. Service charge for dishonored deposit account replenishment check</td>
<td>35</td>
</tr>
<tr>
<td>3. Service charge for short fee payment</td>
<td>20</td>
</tr>
<tr>
<td>4. Appeals:</td>
<td></td>
</tr>
<tr>
<td>a. First appeal</td>
<td>200</td>
</tr>
<tr>
<td>b. Second appeal</td>
<td>20</td>
</tr>
<tr>
<td>Additional claim in related group</td>
<td>500</td>
</tr>
<tr>
<td>5. Secure test processing charge, per hour</td>
<td>60</td>
</tr>
<tr>
<td>6. Copying charge, first 15 pages, per hour</td>
<td>1</td>
</tr>
<tr>
<td>Each additional page</td>
<td>50</td>
</tr>
<tr>
<td>7. Inspection charge</td>
<td>65</td>
</tr>
<tr>
<td>8. Special handling fee for a claim</td>
<td>500</td>
</tr>
<tr>
<td>Each additional claim using the same deposit</td>
<td>50</td>
</tr>
<tr>
<td>9. Special handling for recordation of a document</td>
<td>330</td>
</tr>
<tr>
<td>10. Full-term storage of deposits</td>
<td>357</td>
</tr>
<tr>
<td>11. Surcharge for expedited Certifications and Documents Section services:</td>
<td></td>
</tr>
<tr>
<td>a. Additional certificates, per hour</td>
<td>75</td>
</tr>
<tr>
<td>b. In-process searches, per hour</td>
<td>75</td>
</tr>
<tr>
<td>c. Copy of assignment, per hour</td>
<td>75</td>
</tr>
<tr>
<td>d. Certification, per hour</td>
<td>75</td>
</tr>
<tr>
<td>e. Copy of registered deposit.</td>
<td></td>
</tr>
<tr>
<td>First hour</td>
<td>95</td>
</tr>
<tr>
<td>Each additional hour</td>
<td>75</td>
</tr>
<tr>
<td>f. Copy of correspondence file.</td>
<td></td>
</tr>
<tr>
<td>First hour</td>
<td>95</td>
</tr>
<tr>
<td>Each additional hour</td>
<td>75</td>
</tr>
<tr>
<td>12. Surcharge for expedited Reference and Bibliography searches:</td>
<td></td>
</tr>
<tr>
<td>First hour</td>
<td>125</td>
</tr>
<tr>
<td>Each additional hour</td>
<td>95</td>
</tr>
</tbody>
</table>